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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,672	07/31/2001	Roger Maria Stenbock		4688

7590

01/04/2006

ROGER M. Stenbock  
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EXAMINER

TO, TUAN C

ART UNIT

PAPER NUMBER

3663

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/919,672	<b>Applicant(s)</b> STENBOCK ET AL.	
	<b>Examiner</b> Tuan C. To	<b>Art Unit</b> 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-17 is/are rejected.
- 7) ☒ Claim(s) 8-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-7, drawn to a combination, classified in class 701, subclasses 3 and 9.
- II. Claims 8-17, drawn to a subcombination, classified in class 463, subclass 42.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Roger M. Stenbock, a provisional election was made without traverse to prosecute the invention of Group II, claims 8-17.

Affirmation of this election must be made by applicant in replying to this Office action.

Claims 1-7 have been withdrawn from further consideration by the examiner, 37

CFR 1.142(b), as being drawn to a non-elected invention.

### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

***Specification***

a. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The proposed abstract is longer than 150 words. Appropriate correction is required.

b. The disclosure is also objected to because of the following informalities: The specification, page 11, inappropriately includes the phrase "no such figure".

Appropriate correction is required.

On page 22, line 17, "Figure 3" appears instead of "Figure A3". Appropriate correction is required.

***Claim Objections***

Claims 8-17 are objected to because of the following informalities: claim 8 recites "means" which is wrongly used in the process claim. Appropriate correction is required.

Claims 16 and 17 are objected to because of the following informalities: the applicant recites "step" instead of "steps". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claims 8-17 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Regarding claim 8, it is unclear to what the applicant intend to utilize an Internet server web site software.

Claim 9 recites the limitation "the desired chart", "the desired charts titles", "the Client computer" in claim 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the entire Client computer display" in claim 8. There is insufficient antecedent basis for this limitation in the claim.

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Claim 11 recites the limitation "the required flight planning parameter", "the remote computer" in claim 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the computer flight plans", "the Internet web site remote computer" in claim 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the desired chart" in claim 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the Internet web site remote computer", "the steps of printing reports", "the Internet web site Client computer" in claim 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the Internet web site remote computer", "the Internet web site Client computer" in claim 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the Internet web site Client computer" in claim 8. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 8-15 are rejected under 35 U.S.C. 102 (b) as being anticipated by DeLorme et al. (US 5948040A).

With respect to claim 8, DeLorme et al. directs to a system/method of generating computer flight plans on the Internet comprising the step of using Internet server web site software (DeLorme et al, abstract; column 14, lines 43-52).

With regard to claim 9, DeLorme et al. show that the user (100) (DeLorme et al, figure 1A) generates a flight plan using desktop PC (105) represented as a client computer. The Internet server web site software as disclosed in column 14, lines 43-52 compiles the desired charts titles shown in figure 3. And that a desired chart is selected and presented in figures 7A and 7B.

With regard to claim 10, referring now to figure 5 of DeLorme et al., a map screen has been shown, wherein the scroll bar is in the middle can be used in scrolling. Also, based on a selected location of interest, users can view text, graphic, and audio travel information for purpose of making travel plans and arrangement (DeLorme et al., column 47, lines 56-59).

With regard to claim 11, DeLorme et al. teach the steps of "prompting and managing the required flight planning parameter by means of an Internet web site software which resides on the Server such flight planning variables inputted and requested by the remote computer". As set forth in this office action, the user (100) input and request flight planning variables from the desktop PC (105). The online

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"applets" developed in Java as being considered the claimed web site software, and the act of prompting and managing the required flight plan parameter by means of said software. It is clearly seen the steps of prompting and managing the flight plan parameter from the teachings of input menus shown in figure 1C.

With regard to claim 12, as represented herein above, the software system is used on the desktop computer (105) and then to generate computer flight plans requested from the user (100).

With regard to claim 13, referring now to figure 5D of DeLorme et al., on the screen, the small window on the bottom right corner shows the waypoint, the left map shows the details of routes.

With regard to claim 14, as set forth in the abstract, "the system provides printed or electronic output". This is meant the steps of printing report therefore can be inherently carried out.

With regard to claim 15, DeLorme et al. teach "the steps of facilitating navigation data entry and editing by means of a software system of the Internet web site remote computer" (DeLorme et al., column 48, lines 34-46).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter



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as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (US 5948040A) and in view of Curtright (US 6314370B1).

With regard to claim 16, DeLorme et al. address the limitation as recited in claim 8, including the road chart (see DeLorme et al., figure 5D) along with route line and waypoints on the Internet web site client computer.

DeLorme et al. do not disclose the following: "overlay of graphical weather over road chart along with route line and waypoints on the Internet web site client computer".

The second reference to Curtright has been cited as teaching a map-based navigation system with overlays, in which the weather data for a selected region in the displayed map image is overlaid over the displayed map image (Curtright, column 8, lines 5-15).

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Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of DeLorme et al to include the teachings as taught by Curtright to gain advantage therefore (i.e., a user is able to retrieve a plurality of information related to a specific region while doing a geographical research or planning a trip).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (US 5948040A) and in view of Davis et al. (US 6353794B1) and Dwyer et al. (US 6922631).

As set forth in this office action, DeLorme et al. teachings read on the limitation recited in claim 8 except for "route waypoints are selected based on topographical, navigational, weather, geopolitical, airspace, and aircraft performance restrains.

The references to Davis et al. and Dwyer et al. have been provided to overcome the missing features from DeLorme et al.

Davis et al. disclose a system/method for generating flight plan, in which the waypoint is selected based on the data retrieved using the icons 44, including the icon for superimposing the political boundaries the world map.

Dwyer et al. disclose a system/method for generating a flight plan, in which route waypoints are selected based on topographical (Dwyer et al, column 6, lines 4-11), navigational (Dwyer et al, column 6, lines 20-33), weather (Dwyer et al., column 6, line 40), aircraft performance constrains (Dwyer et al., column 5, lines 22-27).

None of the references address that route waypoints are selected based on airspace, however, such feature is inherently define in Davis et al., since Davis et al.

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disclose that user can select a route waypoint based on the political boundaries.

Therefore, the selected waypoints are also selected based on the airspace within the political boundaries.

Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of DeLorme et al to include the teachings as taught by Davis et al. and Dwyer et al. to gain advantage therefore (i.e., flight crew members can keep track on the variety of data to ensure the important data such as safety data, weather data are well prepared prior taking off).

### ***Conclusions***

It appears that the applicant in this application is a *pro se* applicant (an inventor filing the application alone without the benefit of a Patent Attorney or Agent). Applicant may not be aware of the preferred methods of ensuring timely filing of responses to communications from the Office and may wish to consider using the Certificate of Mailing or the Certificate of Transmission procedures outlined below.

#### **CERTIFICATE OF MAILING**

To ensure that the Applicant's mailed response is considered timely filed, it is advisable to include a "certificate of mailing" on at least one page (preferably on the first page) of the response. This "certificate" should consist of the following statement:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: "Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450" on (date).

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(Typed or printed name of the person signing this certificate)

(signature)

#### CERTIFICATE OF TRANSMISSION

Alternatively, if applicant wishes to respond by facsimile rather than by mail, another method to ensure that the Applicant's response is considered timely filed, is to include a "certificate of transmission" on at least one page (preferably on the first page) of the response. This method should be used by foreign applicants without access to the U.S. Postal Service. This "certificate" should consist of the following statement:

I hereby certify that this correspondence is being facsimile transmitted  
to the United States Patent and Trademark Office, Fax No. (703)\_\_\_\_-  
\_\_\_\_ on (date).

(Typed or printed name of the person signing this certificate)

(signature)

These "Certificates" may appear anywhere on the page, and may be handwritten or typed. They must be signed, and the date must be the actual date on which it is mailed or transmitted.

For the purpose of calculating extensions of time, the date shown on the certificate will be construed as the date on which the paper was received by the Office, regardless of the date the U.S. Postal Service actually delivers the response, or the fax is "date-stamped" in. In this way, postal or transmission delays do not affect the extension-of-time fee.

In the event that a communication is not received by the Office, applicant's submission of a copy of the previously mailed or transmitted correspondence showing the

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**originally** signed Certificate of Mailing or Transmission statement thereon, along with a statement from the person signing the statement which attests to the timely mailing or transmitting of the correspondence, would be sufficient evidence to entitle the applicant to the mailing or transmission date of the correspondence as listed on the Certificate of Mailing or Transmission, respectively.

**NOTICE TO APPLICANT:** In the case of lost or late responses the use of other "receipt producing" forms of mailing a correspondence to the Patent Office, such as Certified Mail, or a private shipper such as FedEx, **WILL NOT** result in the applicant getting the benefit of the mailing date on such receipts. These receipts are not considered to be acceptable evidence since there is nothing to "tie-in" the receipt with the particular document allegedly submitted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985.

The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

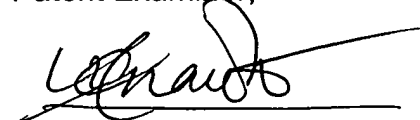
The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,

A handwritten signature in black ink, appearing to read 'Tuan C To', is written over a horizontal line.

Tuan C To

December 21, 2005